

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

)	Case No. 12-5424 SC
)	
GINA SANGUINETTI,)	<u>ORDER GRANTING CONTINUANCE</u>
)	
Plaintiff,)	
)	
v.)	
)	
CITIMORTGAGE, INC., CITIBANK,)	
N.A., AND DOES 1-10,)	
)	
Defendants.)	

On January 24, 2013, Defendants CitiMortgage, Inc. and Citibank, N.A. (collectively "Defendants") moved to dismiss Plaintiff Gina Sanguinetti's ("Plaintiff") first amended complaint in this foreclosure matter. ECF No. 14-1 ("MTD"). A hearing on the MTD was set for March 1, 2013. On February 15, 2013, Defendants filed a Notice of Non-Opposition because Plaintiff had not responded to the MTD by the February 7 deadline set per Civil Local Rule 7-3. ECF No. 19.

When Defendants filed their MTD, notice was sent to Plaintiff's counsel at the email address he listed on ECF, but Plaintiff's counsel has filed a Notice of Non-Receipt indicating that he received no electronic or paper notice of the MTD. ECF No. 20. Plaintiff now asks the Court to grant a short continuance so

1 that Plaintiff can file an opposition to the MTD. Id. Because the
2 Federal Rules of Civil Procedure favor a policy of deciding cases
3 on the merits, not on technicalities, the Court now GRANTS
4 Plaintiff's request.

5 Plaintiff has seven (7) days from the signature date of this
6 Order to file an opposition brief, after which Defendants will have
7 seven (7) days to file a reply, at which point the matter will
8 stand submitted with no need for oral argument. Plaintiff's
9 failure to adhere to this schedule may result in a dismissal of
10 this action with prejudice.

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12 IT IS SO ORDERED.

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14 Dated: February 20, 2013



15 UNITED STATES DISTRICT JUDGE
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